

Canada

MEMORANDUM TO THE FILE

SUBJECT: SUMMARY OF EVENTS LEADING TO AND INCLUDING THE INTERVIEWS OF MARC VALOIS AND DENIS LE CHANCE ON MARCH 23, 1991.

PREPARED BY: NED M. FRIECE, COMMITTEE INVESTIGATOR

In November of 1990, INSLAW, Inc. received information that their software was being used by the Canadian government. The information was provided to INSLAW by Canadian government employees Marc Valois and Denis Le Chance. This information was related to the Committee following inquiries by INSLAW officials. In January INSLAW employee Patricia Hamilton provided a affidavit identifying the two individuals as employees of the Canadian government and as making statements to the effect that approximately 900 copies of the PROMIS software was in use by the RCMP and CSIS.

On February 26, 1991, the Chairman requested by letter that the committee be given access to these individuals and that permission be given to obtain sworn statements regarding the information they had provided Ms. Hamilton. After forwarding the request to the Canadian Ambassador, Mr. Jonathan Fried of the Canadian Embassy contacted Committee investigators on or about March 12, 1991. Mr. Fried began the discussion by stating that he was reluctant to cooperate with the Committee because of "having been burned" in past dealings with our Government. Following a lengthy discussion he made the following demands before permitting the interviews to be conducted: (1) interviews must be conducted in the presence of the Canadian agency attorney and the individual(s) supervisor and (2) the individuals interviewed will not be permitted to become witnesses in any public hearing or investigative proceeding (these demands were provided in writing on March 14, 1991). Reluctantly the Chairman agreed to the conditions demanded by Fried.

On March 23, 1991, the interviews of Valois and LeChance were conducted in Montreal. However, the interviews were not started until the Committee investigators agreed to permit the interviews to be recorded by Mr. John Lovell, Counsel, Department of Communications. Further Mr. Lovell insisted that the questions directed to Valois and LeChance concern only INSLAW. He stated he was concerned that the Committee was going on a "fishing expedition" and that he refuse to allow his clients "to be the bait". Following additional negotiations with Lovell it was agreed that Valois and LeChance could respond "yes or no" to questions beyond INSLAW. However, he would not permit Committee investigators to pursue any answer they may provide. In particular, Lovell refused to permit any question of substance regarding Data Point, Data Plus, Promis Plus. He stated that this information regarding these computer programs would only be provided after a written request was made by the Chairman. Additionally, Lovell refused to allow Valois and LeChance to placed under oath prior to beginning the interview.

ORIGINAL

UNITED STATES HOUSE OF REPRESENTATIVES
Washington, D.C.

Friday
March 8, 1991

The sworn statement of DONALD S. SNEDDEN, taken at
Ottawa, Quebec Province, Canada.

APPEARANCES:

ON BEHALF OF THE U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY:

Donald Fulwider, Investigator
Ned Friece, Investigator
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U.S. House of Representatives
Room 2138, Rayburn House Office Building
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BPA # PC9100003BF
Task Order # 13



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1 S W O R N S T A T E M E N T

2 MR. FULWIDER: Today's date is March 8th, 1991. The
3 time is 2:00 p.m. The location is 112 Kent Street, Ottawa,
4 Canada.

5 Present are Donald Snedden, witness; Donald
6 Fulwider, investigator; and Ned Friece, investigator.

7 Mr. Snedden, my name is Don Fulwider. With me is
8 Ned Friece. We are investigators working for the Committee on
9 the Judiciary, United States House of Representatives. The
10 committee is investigating allegations concerning the United
11 States Department of Justice. During 1987, a U.S. bankruptcy
12 judge ruled that the Department of Justice stole a software
13 package called PROMIS from a contractor named INSLAW, Inc.
14 This decision was affirmed by a U.S. District Court in 1988.

15 In 1991, the Canadian Workplace Automation Research
16 Centre contacted INSLAW, Inc., informing it that INSLAW's
17 PROMIS product was currently in use in the Canadian federal
18 government's departments and agencies. After INSLAW contacted
19 the CWARC, they were informed that approximately 900 copies of
20 the PROMIS software were in use. One Canadian agency
21 identified was Public Works Canada.

22 You are being contacted today to determine your
23 knowledge of and involvement in the acquisition of the PROMIS
24 software by Public Works Canada.

25 Before asking you any questions, would you please

1 raise your right hand?

2 [Witness sworn.]

3 MR. FULWIDER: Thank you.

4 This interview is being conducted on a tape recorder
5 with your knowledge and approval. Is that correct?

6 MR. SNEDDEN: That is correct.

7 MR. FULWIDER: Thank you.

8 Would you please state your full name and spell it
9 for the record?

10 MR. SNEDDEN: Donald S. Snedden, S-N-E-D-D-E-N.

11 MR. FULWIDER: And where are you currently employed?

12 MR. SNEDDEN: I am on executive interchange with
13 Unitel Communications, Inc. I am still a federal government
14 employee, but I am on a two-year assignment.

15 MR. FULWIDER: And which agency are you employed by?

16 MR. SNEDDEN: By Public Works Canada.

17 MR. FULWIDER: And how long were you with Public
18 Works Canada?

19 MR. SNEDDEN: Four years prior to my move to Unitel.

20 MR. FULWIDER: What years would that have been?

21 MR. SNEDDEN: From 1986 to 1990.

22 MR. FULWIDER: What was your position when you were
23 with Public Works Canada?

24 MR. SNEDDEN: Director General of Informatics, which

25 means management information services or systems.
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1 MR. FULWIDER: And in that capacity, what were your
2 duties and responsibilities?

3 MR. SNEDDEN: I was responsible for computer
4 operations within this department.

5 MR. FULWIDER: And prior to going to Public Works
6 Canada, what did you do?

7 MR. SNEDDEN: I was a free lance management
8 consultant for three years, from 1983 to 1986. Before that I
9 worked with the federal government for 10 years.

10 MR. FULWIDER: And in the three years that you were
11 a free lance consultant, did you learn of a software package
12 called PROMIS?

13 MR. SNEDDEN: Yes. During that time I was doing
14 research on an investigative project for the Department of
15 Indian Affairs to select a piece of project management
16 software for the use of that department.

17 MR. FULWIDER: And where is the Department of Indian
18 Affairs located?

19 MR. SNEDDEN: Across the river here.

20 MR. FULWIDER: And did you locate a software package
21 for the Department of Indian Affairs?

22 MR. SNEDDEN: Yes. As part of my research, one of
23 the key pieces of evaluative literature that I picked up was
24 an article in Software Digest which rated seven or eight

25 different project management packages available at that time.
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1 This would have been about 1985. PROMIS was in the top few,
2 ranked up with Primavera -- I can't remember some of the names
3 of the others, high-range products at the time.

4 MR. FULWIDER: And who was the manufacturer of this
5 PROMIS software?

6 MR. SNEDDEN: I believe it was -- can I look at
7 that?

8 MR. FULWIDER: Sure.

9 MR. SNEDDEN: Yes. Strategic Software Planning
10 Corporation.

11 MR. FULWIDER: So in 1985 the article compared seven
12 or eight software packages, and PROMIS, manufactured by
13 Strategic Software Planning Corporation, was one that you
14 looked at?

15 MR. SNEDDEN: Yes.

16 MR. FULWIDER: Did you analyze that particular
17 software package?

18 MR. SNEDDEN: Yes. I obtained a trial version from
19 the company. They sent me a sort of a "crippled" version, as
20 they usually do, a demonstration version which is limited in
21 certain ways, but it's good enough that you can put it through
22 its paces. I tested that with my client.

23 MR. FULWIDER: Did Department of Indian Affairs
24 purchase that package?

25 MR. SNEDDEN: Not to my knowledge. The department
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1 at that time chose to develop their own project management
2 software.

3 MR. FULWIDER: When exactly did you go with Public
4 Works Canada?

5 MR. SNEDDEN: I joined Public Works -- I was working
6 there as a contractor starting in March or April of 1986, when
7 the then-Director General took a transfer to another
8 department in May or June of that year. I applied for and was
9 appointed to the position of Director General.

10 MR. FULWIDER: Did the software PROMIS come up again
11 in your involvement with Public Works?

12 MR. SNEDDEN: Well, yes. One of the first problems
13 I saw at Public Works was that there was no standard project
14 management methodology in place. We had a huge number of
15 systems development projects underway at the time at many,
16 many millions of dollars per year; \$15 million a year was
17 being spent on systems development, with no consistent way of
18 managing or reporting on all that work.

19 I decided that we needed a good product for project
20 management. I had the staff look at several again, and then
21 the decision was to go ahead and buy PROMIS.

22 MR. FULWIDER: Do you know how many PROMIS software
23 packages you bought?

24 MR. SNEDDEN: If this report that you just gave me
25 is right, it's about three or four. I think that's probably

1 correct.

2 MR. FULWIDER: And again, the company you would have
3 purchased it from?

4 MR. SNEDDEN: It would have been Strategic Software.

5 MR. FULWIDER: Had you any personal contact with the
6 representatives of Strategic Software?

7 MR. SNEDDEN: Just over the phone. I talked to a
8 number of people. I would recognize the names if I heard them
9 today, I think, but I can't produce them for you from memory.

10 MR. FULWIDER: But you didn't have any personal
11 involvement with Strategic Planning, with this company, SSPC?

12 MR. SNEDDEN: No, I don't believe so. I think at
13 one time -- as a private consultant I was also a distributor,
14 I had a vendor's permit and I was distributor for some
15 software products, Expert Choice, for example, being one of
16 them, but I don't think that ever happened with this one.
17 There wasn't enough interest in the product.

18 MR. FULWIDER: Do you know if SSPC actually
19 developed this software package itself?

20 MR. SNEDDEN: No, I don't. It was built quite
21 differently from other project management software at the
22 time, and it was a bit of unique. I think they were doing a
23 fair bit of developmental work on it themselves at the time.
24 But it was always a little bit more difficult to use than some

25 of the new stuff coming on the market at that time. Although
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1 it got very high ratings, it was sort of an elitist product.

2 MR. FULWIDER: Could that be that it was just a very
3 sophisticated piece of software?

4 MR. SNEDDEN: Well, sophisticated and powerful, and
5 the other side of it, therefore, is that it is always a little
6 harder to use than things like Harvard Project Manager or
7 Microsoft Project or things that came out around that time,
8 1985 or '1986.

9 MR. FULWIDER: Do you know what platform this was
10 used on?

11 MR. SNEDDEN: It was all under DOS.

12 MR. FULWIDER: So it would be PC-compatible?

13 MR. SNEDDEN: Yes, IBM PC-compatible.

14 MR. FULWIDER: Do you know of any other Canadian
15 government agency that would have acquired this PROMIS
16 software?

17 MR. SNEDDEN: No. Canadian Workplace Automation
18 Research Centre I knew about and was familiar with. I don't
19 think I recall them having any interest in the software. I
20 had talked to them about other subjects at different times,
21 but I don't know that they were involved with it or had used
22 it.

23 MR. FULWIDER: What I think you are referring to is
24 what I had indicated before. Just to clarify it for the

25 record, they didn't indicate that they had it. They were
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1 doing a survey of all government agencies within Canada --

2 MR. SNEDDEN: To see if they had it?

3 MR. FULWIDER: -- to see if they had it, plus other
4 software packages. I didn't want to mislead you.

5 In your dealings in this area of software packages
6 have you ever come across a company called Info Technology,
7 based out of New York?

8 MR. SNEDDEN: I don't think so. Again, there are so
9 many company names in this business now, and half of them
10 sound the same.

11 MR. FULWIDER: Info Technology also operates
12 Financial News Network and United Press International.

13 MR. SNEDDEN: Would they be involved in computer
14 libraries, CD-ROM publications?

15 MR. FULWIDER: I don't know. What I'm looking at is
16 whether or not you had any contact with them regarding
17 distribution of software packages.

18 MR. SNEDDEN: No.

19 MR. FULWIDER: Are you familiar with the name Doctor
20 Earl Brian?

21 MR. SNEDDEN: No.

22 MR. FULWIDER: He was the CEO of Info Technology.

23 Is there anything else you can add regarding this
24 PROMIS software that you were involved in?

25 MR. SNEDDEN: I don't think so. It was a bit of a
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1 failure, as you can see from the report here. Basically, the
2 project managers in a lot of departments have a direction of
3 their own. People tend to pick up software that they have
4 learned, and it's awful hard to get them to standardize and to
5 switch onto something else, especially something that is a
6 little bit harder to use. So it looks like it's not used.
7 I'm not sure how relevant that is to your investigation, but
8 it looks to me like any ties there were with that company were
9 cut.

10 I think that a few staff members went on user group
11 sessions or training sessions put on by that firm.

12 MR. FULWIDER: Did you ever hear of the company,
13 INSLAW, Inc.?

14 MR. SNEDDEN: No.

15 MR. FULWIDER: Spelled I-N-S-L-A-W?

16 MR. SNEDDEN: I don't think I have. It doesn't ring
17 a bell.

18 MR. FULWIDER: All right.

19 I have nothing else. Do you have anything, Mr.
20 Friece?

21 MR. FRIECE: Have you ever talked with, or do you
22 know an individual by the name of Charles Hayes?

23 MR. SNEDDEN: No.

24 MR. FRIECE: How about William Hamilton?

25 MR. SNEDDEN: No.

1 MR. FRIECE: I believe that's it.

2 MR. FULWIDER: The time now is 2:11, and the
3 interview is terminated.

4 Thank you very much.

5 [Whereupon, at 2:11 p.m., the taking of the sworn
6 statement was concluded.]

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C E R T I F I C A T E

THE UNITED STATES OF AMERICA

IN THE DISTRICT OF COLUMBIA

I, Don Fulwider, do hereby certify that the witness, Donald S. Snedden,
was duly sworn by me on March 8, 1991.

Don Fulwider



UNITED STATES HOUSE OF REPRESENTATIVES
Washington, D.C.

Friday
March 22, 1991

The sworn statement of DENIS LA CHANCE, taken at Montreal,
Canada, commencing at 11:30 a.m.

APPEARANCES:

ON BEHALF OF THE U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY:

Ned Friece, Investigator
Richard Newbold, Investigator
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ALSO PRESENT:

Allen Robilliard, Esquire
John Lovell

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Mr. Ned Friece
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1 S W O R N S T A T E M E N T

2 MR. FRIECE: For the record, this is an interview of
3 Mr. Denis LaChance and is being held at 715 Field Street in
4 Montreal, Quebec. Today's date is March 22, 1991. The time
5 is approximately 11:30.

6 Present at the interview are Mr. Denis LaChance, Ned
7 Friece, investigator, Rick Newbold, investigator, John Lovell,
8 attorney with the Department of Communications, and Mr. Allen
9 Robilliard. Mr. Robilliard is Mr. LaChance's supervisor. Is
10 that correct?

11 MR. ROBILLIARD: Yes, sir.

12 MR. FRIECE: Mr. LaChance, my name is Ned Friece,
13 and with me is Rick Newbold. We are investigators working for
14 the House Committee on the Judiciary of the U.S. House of
15 Representatives. The Committee is investigating allegations
16 concerning the U.S. Department of Justice. During 1987, a
17 U.S. bankruptcy judge ruled that the Department of Justice
18 stole a software package called PROMIS, which is an acronym
19 for Prosecutors Management Information System, from a
20 contractor named INSLAW, Incorporated. This decision was
21 later affirmed by a U.S. District Court justice in 1988.

22 In January, 1991, the Canadian Work Place Automation
23 Research Center contacted INSLAW, Incorporated, informing them
24 that INSLAW's PROMIS was in use in federal departments and
25 agencies within the Canadian government. INSLAW determined

1 that it had never sold its product to the government of
2 Canada. You are being interviewed today to provide details
3 concerning your knowledge of this matter.

4 Before we ask you any questions, will you agree that
5 all answers you will give be truthful and to the best of your
6 ability?

7 MR. LA CHANCE: Yes.

8 MR. FRIECE: This interview is being recorded. I
9 will ask you the following questions and ask you to respond.

10 Please state your full name and spell it.

11 MR. LA CHANCE: Denis LaChance, D-E-N-I-S L-A-C-H-A-
12 N-C-E.

13 MR. FRIECE: Where are you presently employed and in
14 what capacity?

15 MR. LA CHANCE: I'm presently employed by the
16 Department of Communications, Canada. My official work is the
17 Canadian Work Place Automation Research Center working on a
18 project dealing with the evaluation of the development
19 project.

20 MR. FRIECE: How long have you been employed there?

21 MR. LA CHANCE: I have been employed there 19 years.

22 MR. FRIECE: And how long in your current capacity?

23 MR. LA CHANCE: Several weeks.

24 MR. FRIECE: Concerning the study to identify

25 software within the Canadian government, what specifically was
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1 your responsibility?

2 MR. LA CHANCE: At the time of the survey I was
3 responsible for collecting, for the benefit of the federal
4 managers and employees, information relating to data
5 processing of information technology packages, tools that
6 could be used in both languages in Canada.

7 MR. FRIECE: Who performed this survey?

8 MR. LA CHANCE: The survey was done by us and the
9 survey itself, the actual survey itself, was done by
10 [inaudible], who at that time was consulting for us.

11 MR. FRIECE: What procedure was used to identify the
12 company that sold the software to the Canadian government?

13 MR. LA CHANCE: The Department of Communications had
14 a project in 1988 to look at the possibility of establishing a
15 Canadian Software Assistance Center. In the context of that
16 survey, we had a consultant that interviewed areas in the
17 Department and [inaudible]. In the context of those
18 interviews, he collected information regarding the titles and
19 types of software that were in use in those departments at
20 that time.

21 MR. FRIECE: What is the difference between a crown
22 corporation and a department?

23 MR. LA CHANCE: Can you answer that one?

24 MR. LOVELL: Essentially a crown corporation is

25 somewhat more autonomous than a department. It resembles more
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1 of a commercial corporation, who's ownership is compliant with
2 the government. There is a higher degree of centralization
3 within a department than there is in terms of the government
4 and a crown corporation. Crown corporations are mechanisms
5 often used to conduct commercial business, such as running a
6 railway or an airline.

7 MR. FRIECE: If you recall, were there other names
8 identified with PROMIS and U.S. corporations? Besides INSLAW,
9 were there any other companies?

10 MR. LA CHANCE: I understand your question. First
11 of all, the list that came from the consultant had only one
12 PROMIS. From what I understand, the work that was done by
13 [inaudible], in the context of his research to identify the
14 supplier of this software, the first contact on his list was a
15 company that owned software called PROMIS. To his
16 satisfaction, he understood that he had identified the
17 supplier of the PROMIS software that we have.

18 So Marc contacted by phone the firm INSLAW. The
19 results of the conversation were that he concluded that the
20 PROMIS we were dealing with was a product that INSLAW had
21 supplied.

22 MR. FRIECE: So there was no attempt to identify
23 what agency had PROMIS. It is referring to a document here
24 that is an abstract from the survey that was being conducted.

25 In looking at this -- I will mark this as Exhibit No. 1 for

1 the statement -- it identifies Department No. 8 four times,
2 and Department No. 23 once as being associated in use of
3 PROMIS. Is that correct?

4 MR. LA CHANCE: Yes, that is what the list said.

5 MR. FRIECE: At that particular time, was there any
6 effort made to identify which agencies these were?

7 MR. LA CHANCE: We did not try to identify the
8 agencies at that time. The reason was that it was not in the
9 context of the project. The understanding at the time of the
10 collection of the information was that the consultant would
11 not give us detailed information that would allow the
12 Department of Communications to know the agencies with the
13 software.

14 MR. FRIECE: Why was that?

15 MR. LA CHANCE: I think, in the context of the
16 survey, we did not request it, first of all. It was not
17 deliverable. The identification of departments with the -- my
18 understanding is that it's not demanded of the department to
19 do that. What we needed to know was the titles. We needed to
20 know what titles were in use, what type of software, and so
21 forth. So we didn't have a need for that at that time.

22 MR. FRIECE: Do you know what INSLAW's reaction was
23 to the call made by Marc?

24 MR. LA CHANCE: I can just recall what Marc told me.

25 MR. FRIECE: What was that?
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1 MR. LA CHANCE: I don't recall him mentioning the
2 reaction of INSLAW during his first conversation. Marc was
3 calling and phoning several companies during that period to
4 establish a link between product names and firms that supplied
5 them.

6 So during that time, I don't recall him mentioning
7 any specific or particular reaction to the identifying the
8 PROMIS software that was in use in the departments. I became
9 aware that there was a difficulty after the company had
10 received the survey questionnaire. They started asking a lot
11 of questions and repeatedly they were asking us to get the
12 name of the user of the software.

13 MR. FRIECE: Right.

14 MR. LA CHANCE: It got to the point where Marc was
15 trying to get this information from the first consultant. So
16 at that time, he became aware.

17 MR. FRIECE: Do you recall when that took place?

18 MR. LA CHANCE: It would have been some time in late
19 January or February.

20 MR. FRIECE: For the record, the witness has made
21 reference to a copy of the affidavit submitted by Patricia
22 Hamilton in which she laid out several allegations concerning
23 the PROMIS software and the information received from the
24 witness during conversations that had with Mr. LaChance. We

25 will be referring to that again.
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1 When you talked with Ms. Hamilton, according to her
2 affidavit, she stated that she met with you and Mr. Marcelle
3 Simino [phonetically] on January 30, 1991. Is that correct?

4 MR. LA CHANCE: That's right.

5 MR. FRIECE: What did you tell Ms. Hamilton at that
6 time concerning the PROMIS software?

7 MR. LA CHANCE: The purpose of the meeting was for
8 her -- that's why she requested the meeting with us -- to get
9 additional information to fill the questionnaire so that we
10 could get the information that we needed from them.

11 The meeting started with her explanation and
12 description of the software. I asked several questions
13 regarding what type of platform and the purposes it could be
14 used for. Then she asked me again who would be using it. I
15 told her the base of the information that I had, which is this
16 document here. There is no way for us to know what agency in
17 Canada would be using it. On her insistence, I told her that
18 if she wanted to do some further investigation, given the type
19 of software that she had explained to me was PROMIS, I told
20 her that a likely candidate to use this type of software were
21 certain agencies. I named a few.

22 MR. FRIECE: What agencies did you name?

23 MR. LA CHANCE: The RCMP, the Department of Justice,
24 the Solicitor General, and certainly one more which is the
25 Department of Indian and Northern Affairs.

1 MR. FRIECE: So you did mention that it was possible
2 that the RCMP was one of the users.

3 MR. LA CHANCE: What I said at that time was that we
4 didn't know, there was no way for us to know, and that if she
5 wanted to know for her to do a proper investigation -- in my
6 mind, this information was given to her as much for her
7 investigation as to her proper contacts to sell the software
8 because she told us she was in Canada to promote her software.
9 So I was going to be helpful in trying to help her find the
10 likely candidates for that type of software.

11 MR. FRIECE: Did you tell her without a doubt that
12 one department or agency within the Canadian government was
13 using 900 copies of the software versus using it at 900
14 locations?

15 MR. LA CHANCE: I did not know that myself at that
16 time. I think she got that information from Marc Valois who
17 had given her the details. At that time, I don't recall
18 mentioning to her that there were 900 copies.

19 MR. FRIECE: The abstract of the survey was done --
20 it showed that Department 8, which I believe is CIDA. Is that
21 correct?

22 MR. LA CHANCE: That's correct.

23 MR. FRIECE: We have determined that CIDA is
24 Department 8.

1 23 is Public Works of Canada. It shows on the first line that
2 Department 8, in the 1987-1988 inventory of PROMIS, "(900)".
3 Does that mean 900 locations, or what does that mean?

4 MR. LA CHANCE: It's interpretation at this point.
5 It could be 900 copies or 900 locations.

6 MR. FRIECE: Did you give this figure to her at that
7 time?

8 MR. LA CHANCE: I don't recall specifically giving
9 that information to her at that time. I know, from talking to
10 Marc Valois, that he had given her that number.

11 MR. FRIECE: At that particular time, you did not
12 know who the agency or department was, right?

13 MR. LA CHANCE: At that time, I did not.

14 MR. FRIECE: Do you know today -- obviously you do
15 today -- that one was CIDA. Do you know how many copies they
16 have?

17 MR. LA CHANCE: According to the information that we
18 have from the consultant who interviewed the two people in
19 CIDA, when we asked them to identify the agency, on the
20 knowledge that supposedly 900 copies were in use, he took it
21 upon himself to interview some people in CIDA. He found out
22 that the intention of purchasing 900 copies of PROMIS had
23 never materialized.

24 MR. FRIECE: So at the time the survey was done,

25 they told the consultant that they intended to buy enough
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1 software for 900 locations?

2 MR. LA CHANCE: Could you repeat your question,
3 please?

4 MR. FRIECE: The question is revolving around the
5 900 locations, or the 900 copies, of the software PROMIS. At
6 the time the survey was done, according to information
7 provided by the consultant who did the survey, is it a true
8 statement that he was told that there was an intention to have
9 900 copies, or to support 900 locations with the PROMIS
10 software?

11 MR. LA CHANCE: That's what he told us.

12 MR. FRIECE: So when the figure 900 is used, it was
13 not a solid figure, but an estimated figure at that particular
14 time. They did not have 900 copies in hand, or they were not
15 supporting 900 locations. Is that correct?

16 MR. LA CHANCE: What he told me is that he didn't
17 see the 900 copies. He didn't touch them. He was told by the
18 head of the branch at that time that he had every intention to
19 buy that piece of software before the end of the fiscal year.
20 The survey being taken some time in January or February of
21 that year normally means that the purchase would have been
22 materialized before the end of March. So at the time of the
23 survey, that's what he was told.

24 MR. FRIECE: Do you know if there are 900 copies of
25 PROMIS software in existence?

1 MR. LA CHANCE: When we asked the consultant
2 recently to find out for us, he identified the two agencies
3 that were mentioned. He went to interview two people in CIDA,
4 and he found out that they have never purchased that piece of
5 software.

6 MR. FRIECE: How many copies did they have?

7 MR. LA CHANCE: They had never purchased it.

8 MR. FRIECE: Okay.

9 MR. LA CHANCE: [Inaudible.]

10 MR. FRIECE: What about Public Works. CIDA had not
11 purchased it, but what about Public Works?

12 MR. LA CHANCE: I don't recall him mentioning
13 anything about that.

14 MR. FRIECE: Could you possibly read what it says
15 about Department 23, whether inventory or plan?

16 MR. LA CHANCE: It says, "Year -- 1989-1990, Plan --
17 PROMIS, Added -- " [inaudible] for the MS-DOS IBM PC and
18 project management.

19 MR. FRIECE: Do you recall -- again, I'm going back
20 so that we clarify the affidavit. We've already covered the
21 900 locations. Do you also recall telling her that without a
22 doubt there was another agency in the department using the
23 software to support five additional locations?

24 MR. LA CHANCE: I could not tell her anything more

25 then what is here, that there was Department 23, which at the
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1 time of the survey was planning at a later date to eventually
2 use five copies of the software PROMIS. I could not tell her
3 more than that, because I was not presently in charge of the
4 survey.

5 MR. FRIECE: The particular time that you were
6 talking to her was in January, 1991. You didn't have the
7 information contained on Exhibit No. 1 at the bottom of the
8 page, which identifies the department as CIDA and Public Works
9 of Canada at that time, did you?

10 MR. LA CHANCE: I didn't have --

11 MR. FRIECE: You did not know that. You only knew
12 that there was supposed to be -- according to this -- 900
13 locations by one agency, and 5 by another.

14 MR. LA CHANCE: That's right.

15 MR. FRIECE: You could not attach names or
16 locations, either one, with those two items. Is that correct?

17 MR. LA CHANCE: On January 30th, no I could not.

18 MR. FRIECE: Do you recognize the name
19 Infotechnology, Incorporated?

20 MR. LA CHANCE: No.

21 MR. FRIECE: How about a U.S. company named Hadron,
22 Incorporated?

23 MR. LA CHANCE: No.

24 MR. FRIECE: I have a question concerning some
25 software programs that may have come up during this survey.

1 They may ring a bell with you. Before I ask you the question,
2 Mr. Lovell is going to make a statement.

3 MR. LOVELL: That's correct. I ask my client to
4 answer yes, no, or I can't remember to each of those
5 questions. No matter what the response, I would like that
6 line of questioning not to be pursued further beyond the first
7 question.

8 MR. FRIECE: That's fine.

9 Please answer yes or no as to whether you recognize
10 these names as software packages that you're aware of that are
11 in use in the Canadian government.

12 Datapoint?

13 MR. LA CHANCE: As a software, no.

14 MR. FRIECE: Do you recognize it as a hardware?

15 MR. LA CHANCE: It's the name of a company.

16 MR. FRIECE: Datamaster I and Datamaster II?

17 MR. LA CHANCE: No.

18 MR. FRIECE: Datamac?

19 MR. LA CHANCE: No.

20 MR. FRIECE: Thank you.

21 I'm now going to ask some names. If you recognize
22 any of these names, tell me where that recognition comes from.

23 Dr. Earl Brian?

24 MR. LA CHANCE: I heard the name in the conversation

25 with Ms. Hamilton, and I read the name in the article of
NW: 15457 DocId: 70002061 Page 28

1 [inaudible] that was sent to me by [inaudible].

2 MR. FRIECE: That's the first time that you ever
3 heard the name of Dr. Brian?

4 MR. LA CHANCE: The first time that name came up in
5 a conversation and that it was [inaudible].

6 MR. FRIECE: What about Michael Riconosciuto?

7 MR. LA CHANCE: No.

8 MR. FRIECE: Richard Babion?

9 MR. LA CHANCE: No.

10 MR. FRIECE: Charles Hays?

11 MR. LA CHANCE: It came up in a telephone call that
12 I received from your colleague, Mr. Fulwider.

13 MR. FRIECE: In what context?

14 MR. LA CHANCE: He was calling from Ottawa. He told
15 me that he was in Canada for an interview. He asked me at
16 that time if I knew that person. I said that I didn't know
17 him. He told me that he had spoken to me. I said that he
18 might have spoken with me. I also said that, in the context
19 of the survey, when people had questions Marc Valois could not
20 answer, he offered the person to talk to me. In that context,
21 I might have talked to him. Without referring to my notes, I
22 could not recall having spoken to him.

23 MR. FRIECE: Dominic Laiti?

24 MR. LA CHANCE: No.

25 MR. LOVELL: I wonder if you can remember the date
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1 of your conversation with Mr. Fulwider?

2 MR. LA CHANCE: No, I don't.

3 MR. FRIECE: Peter Videnieks?

4 MR. LA CHANCE: No.

5 MR. FRIECE: Edwin Meese?

6 MR. LA CHANCE: If it is the same one, from
7 television.

8 MR. FRIECE: You recognize him as the former
9 Attorney General?

10 MR. LA CHANCE: Yes.

11 MR. FRIECE: D. Lowell Jensen?

12 MR. LA CHANCE: No.

13 MR. FRIECE: Madison Brick Brewer?

14 MR. LA CHANCE: No.

15 MR. FRIECE: The RCMP was mentioned prominently in
16 Ms. Hamilton's affidavit. I have a few questions concerning
17 how that came about. I'll ask you some questions, and if you
18 can, please respond.

19 Concerning the Royal Canadian Mounted Police, under
20 whose jurisdiction does this agency fall? Is it a crown
21 corporation, or is it an agency, or department?

22 MR. LA CHANCE: I understand it reports to
23 [inaudible].

24 MR. FRIECE: Which is a crowned corporation. Is

1 MALE VOICE: My own comment is that I believe it is
2 responsible to the Solicitor General. The RCMP is not a crown
3 corporation.

4 MR. FRIECE: Thank you.

5 Was the RCMP part of the survey that was conducted?

6 MR. LA CHANCE: No, it was not part of the survey.

7 MR. FRIECE: Do you know what kind of software and
8 the name of the software the RCMP uses?

9 MR. LA CHANCE: No.

10 MR. FRIECE: Do you know what CSIS stands for?

11 MR. LOVELL: I believe those initials are used for
12 the Canadian Security Intelligence Service.

13 MR. FRIECE: Are you familiar with that agency?

14 MR. LA CHANCE: I know of it, but I am not familiar
15 with it?

16 MR. FRIECE: Do you know what kind of software they
17 use for case management?

18 MR. LA CHANCE: No, I don't.

19 MR. FRIECE: Is CSIS is a department of the federal
20 government, or does it also report to the Solicitor General?

21 MR. LOVELL: I believe it reports to the Solicitor
22 General. The Solicitor General is a department.

23 MR. FRIECE: I have no further questions. Rick, do
24 you have any further questions?

25 MR. NEWBOLD: No.

1 MR. FRIECE: Let the record show that this interview
2 was concluded at 12:00 noon.

3 [Whereupon, at 12:00 p.m., the taking of the sworn
4 statement was concluded.]

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C E R T I F I C A T E

THE UNITED STATES OF AMERICA

IN THE DISTRICT OF COLUMBIA

I, Ned Friece, do hereby certify that the witness, Denis LaChance, was
duly sworn by me on March 22, 1991.

Ned Friece

CONFIDENTIAL

UNITED STATES HOUSE OF REPRESENTATIVES
Washington, D.C.

Thursday
March 7, 1991

The sworn statement of RICHARD HOOKHAM, taken at Ottawa,
Quebec Province, Canada.

APPEARANCES:

ON BEHALF OF THE U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY:

Donald Fulwider, Investigator
Ned Friece, Investigator
Committee on the Judiciary
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BPA # PC9100003BF
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1 S W O R N S T A T E M E N T

2 MR. FULWIDER: For the record, this interview is
3 being conducted at the Canadian International Development
4 Agency at 200 Promenade du Portage, Hull, Quebec, Canada.
5 Today's date is March 7th, 1991. The time is approximately
6 11:12 a.m.

7 Present are Richard L. Hookham; Donald Fulwider,
8 investigator; and Ned Friece, investigator.

9 Mr. Hookham, my name is Don Fulwider. With me is
10 Ned Friece. We are investigators working for the Committee on
11 the Judiciary, United States House of Representatives. The
12 committee is investigating allegations concerning the United
13 States Department of Justice. During 1987, a U.S. bankruptcy
14 judge ruled that the Department of Justice stole a software
15 package called PROMIS from a contractor named INSLAW, Inc.
16 This decision was affirmed by a U.S. District Court in 1988.

17 In January, 1991, the Canadian Workplace Automation
18 Research Centre contacted INSLAW, Inc., informing it that
19 INSLAW's PROMIS product was currently in use in the Canadian
20 federal government's departments and agencies. After INSLAW
21 contacted the CWARC, they were informed that approximately 900
22 copies of the PROMIS software were in use. One Canadian
23 agency identified was the Canadian International Development
24 Agency, CIDA.

25 You are being contacted today to determine your

1 knowledge of and involvement in the acquisition of the PROMIS
2 software by CIDA.

3 Before asking you any questions, would you please
4 raise your right hand?

5 [Witness sworn.]

6 MR. FULWIDER: Thank you.

7 This interview is being conducted on a tape recorder
8 with your knowledge and approval. Is that correct?

9 MR. HOOKHAM: That is correct.

10 MR. FULWIDER: Thank you.

11 Would you please state your full name and spell it
12 for the record?

13 MR. HOOKHAM: My name is Richard Leonard Hookham.
14 The spelling of the last name is H-O-O-K-H-A-M.

15 MR. FULWIDER: And what is your current employment?

16 MR. HOOKHAM: I am the Program Coordinator for the
17 Zimbabwe-Zambia Country Desk with the Canadian International
18 Development Agency.

19 MR. FULWIDER: And how long have you been with the
20 Canadian International Development Agency?

21 MR. HOOKHAM: I have been with the agency for six
22 years now.

23 MR. FULWIDER: And you have been on this desk the
24 whole time, or have you had some other --

NW: 154572 DocId: 70002061 Page 37 HOOKHAM: No, I just joined this desk

1 approximately a year and a half ago. Prior to that I was the
2 Deputy Director for Systems and Operations within this same
3 branch, Africa Branch.

4 MR. FULWIDER: When did you first hear of a software
5 package called PROMIS?

6 MR. HOOKHAM: I first heard of PROMIS back in late
7 1986, I believe, mid-1986 to late 1986. I had been doing a
8 document search for project management packages. At the time,
9 in my capacity as the Deputy Director, we were looking for
10 project management packages that would aid our staff in the
11 planning of our international projects.

12 I had been previously in the private sector and I
13 was quite familiar with a number of project management
14 packages. A number of them had deficiencies according to our
15 internal requirements. One of the newer packages that came to
16 light was a product called PROMIS which, I think at that time,
17 stood for Project Management Information System, that looked
18 extremely -- pardon the pun -- promising in terms of our
19 requirements. It had aspects of much more flexibility, the
20 improved allocation of resources into the activities of a
21 project, etc.

22 Based on that I contacted our staff in what is
23 called our Informatics and Telecommunications Services
24 Division to suggest that PROMIS should be a product that we

1 Bercovitz, who had been a former colleague in this branch --
2 he, having had experience with project management software,
3 felt that that would be appropriate.

4 We contacted the firm, SPSS, I believe -- SSPC --

5 MR. FULWIDER: Which is Strategic Planning --

6 MR. HOOKHAM: Strategic something. I have some of
7 the documentation here.

8 Strategic Software Planning Corporation, that's
9 correct.

10 MR. FRIECE: What I'm showing you to refresh your
11 recollection, just for the record, is the licensing agreement
12 for that software package we got from Mr. Bercovitz.

13 MR. HOOKHAM: Yes. I have never seen this
14 particular document, but I recognize the name and the address
15 as the one that we were in contact with.

16 MR. FULWIDER: You were aware of this when you were
17 in the private sector? You were aware of this company?

18 MR. HOOKHAM: No. No, I wasn't aware of this
19 company when I was in the private sector.

20 MR. FULWIDER: Okay. And you learned of it how?

21 MR. HOOKHAM: I learned of it, I think, through PC
22 Magazine or one of the other magazines that I was reviewing
23 for project management software. I was looking at a number of
24 products -- Primavera, Harvard Project Manager, PROMIS. In

1 based on specifications either in that magazine or on
2 subsequent documentation provided to us by the various
3 suppliers of the different packages, and PROMIS came out to be
4 the one that appeared to be the most appropriate for our
5 requirements.

6 MR. FULWIDER: Okay. So this is all in the 1986
7 time frame?

8 MR. HOOKHAM: Approximately, yes. I'm sorry, the
9 specific dates and times I'm a little fuzzy on.

10 MR. FULWIDER: Do you know how long that package had
11 been in existence prior to your observing it? Do you recall
12 from PC Magazine whether it had been a new package, or whether
13 they had developed it?

14 MR. HOOKHAM: I'm afraid I couldn't comment on that.
15 I have no recollection of any indication of the longevity of
16 the product in the marketplace. I know from my own previous
17 experience, having been in project management, that this was
18 the first time that I had seen it, but that's not conclusive
19 indication that it was a new product.

20 MR. FULWIDER: Were you involved in the actual
21 acquisition by CIDA?

22 MR. HOOKHAM: No, I wasn't.

23 MR. FULWIDER: You just gave your recommendations?

24 MR. HOOKHAM: That's right, and I was the one who

1 agency.

2 MR. FULWIDER: You mean you put it on a prototype --

3 MR. HOOKHAM: We put it on one of our computers
4 here. We ran through a number of projects, tested it, looked
5 at how it fit with our requirements. We did contact the firm
6 because there were a number of items -- if I recall, when I
7 was at the Project Management Symposium in Montreal in 1986 or
8 1987, I can't recall the year but it was put on by the Project
9 Management Institute, I met the president of the firm that was
10 marketing PROMIS at the time. The name was a strange name,
11 and I'm afraid all I can remember that it sticks out as being
12 -- it was either Italian, Giovanni, or something of that
13 nature.

14 MR. FULWIDER: Massimo Grimaldi?

15 MR. HOOKHAM: That's correct.

16 MR. FULWIDER: G-R-I-M-A-L-D-I?

17 MR. HOOKHAM: That's right. I had a brief
18 discussion with him because I indicated that the package
19 looked very appropriate for our requirements, but there were
20 some areas in which we felt that there could be improvements.
21 One was in terms of the speed at which the package did the
22 processing. Some others were unique to our own operations,
23 and we even talked about the possibility that they could
24 modify the package to give us a CIDA-oriented version. I

25 think I even documented those notes and gave him my hand-
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1 written comments with respect to the package.

2 MR. FULWIDER: Do you know how many copies CIDA
3 acquired?

4 MR. HOOKHAM: To my knowledge, CIDA only acquired
5 one. It came in as a pilot, and then we got subsequent
6 upgrades to it as the company made refinements.

7 MR. FULWIDER: It wouldn't be on the order of 900,
8 then?

9 MR. HOOKHAM: No. If it was, they would be floating
10 all over this building. I am having a tough time finding one
11 because we are doing some similar work in this area and I
12 wanted to refer back to the technical literature that this
13 firm had. I haven't had that much luck finding it.

14 MR. FULWIDER: The reason I raised the number 900,
15 before we went on the record I had given you kind of a history
16 of why we are here. One of the things, when INSLAW contacted
17 the Canadian Workplace Automation Research Centre to find out
18 more about the PROMIS package that they had in their
19 possession, they were informed that in approximately 1989
20 there was a study done by a consultant of approximately 32
21 federal agencies within the Canadian government, of which CIDA
22 was one. They had gotten a computer printout from the
23 consultant, not identifying the particular government agency,
24 but by code, and that the PROMIS software showed up at 900

25 locations. Now, that doesn't necessarily mean, from
NW: 154572 DocId: 70002061 Page 42

1 what I understand, that there were 900 software packages, but
2 there could have been 900 users of this particular package.

3 When they further consulted with the particular
4 consultant, he indicated that CIDA was the agency where these
5 900 versions of PROMIS were located. What I wanted to do was
6 make sure whether it was even feasible that CIDA had 900 users
7 of this package.

8 MR. HOOKHAM: No, it's not feasible. We are an
9 agency, in total staff strength, of slightly over 1,000
10 individuals, of which possibly 20 percent are officers who
11 would have a requirement for that type of package. So at the
12 outside maximum we would be looking at 200 packages. But to
13 my knowledge the only one that was acquired was the one that I
14 mentioned. There may have been another package acquired by
15 another program desk or something, but that's about the extent
16 of it.

17 MR. FULWIDER: There was a deputy general -- Ed
18 Bercovitz had given us the name and I didn't write it down --
19 the deputy general for CIDA, starts with an "S," no longer
20 with the agency, the one who provided the information to the
21 consultant in the first place. The consultant went back and
22 looked a little further in his records, and I guess these were
23 planned users of the PROMIS software as opposed to actual
24 users.

25 MR. HOOKHAM: Even that's an exaggeration. We
NW: 154572 DocId: 70002061 Page 43

1 wouldn't have that many people within our organization that
2 would use that.

3 MR. FULWIDER: And would there be any use for any of
4 the countries to which you are supplying financial assistance,
5 to have them set up the PROMIS software?

6 MR. HOOKHAM: There may have been, but I think the
7 stronger likelihood that organizations like consulting firms
8 or contractors who deal with CIDA may feel that if CIDA is
9 using the package, then they would also get it to be
10 compatible with our requirements. I think there was one
11 package acquired in that respect. I don't know if it was
12 Ontario Hydro. I think it was an organization that Ed
13 actually was working with.

14 MR. FULWIDER: Does the name Canadian Pacific --

15 MR. HOOKHAM: Yes, that would be the one.

16 MR. FULWIDER: On the Egyptian Railway?

17 MR. HOOKHAM: That's right, yes.

18 MR. FULWIDER: He mentioned that as one.

19 MR. HOOKHAM: All right.

20 MR. FULWIDER: And that's the only one that you are
21 aware of?

22 MR. HOOKHAM: Yes.

23 MR. FULWIDER: In your discussions with Mr. Grimaldi

24 or any of the representatives of SSPC, did they indicate how

25 NW: 154574 DocId: 70020611 Page 44

1 MR. HOOKHAM: No. Mr. Grimaldi did indicate that
2 they had done an extensive investment of work. We were
3 talking about changing the product from its current language
4 to a faster language called "C," C-language, and he explained
5 that there was going to be an extensive amount of work on top
6 of the work that they had already put in.

7 MR. FULWIDER: What language was it in originally?

8 MR. HOOKHAM: I can't recall. It's a particular
9 data base management language. In fact, it was unique at that
10 time. I had never heard of it. You may be able to find out
11 the name, but I know it was a data base management-type of
12 language, something like RBase or DBase III, but it wasn't
13 either of those two, I know that. It was that type.

14 MR. FULWIDER: And it wasn't COBOL or anything?

15 MR. HOOKHAM: No, I'm pretty sure it wasn't. There
16 may have been COBOL overlays on it, but the base was a data
17 base language.

18 MR. FULWIDER: But in your conversations with Mr.
19 Grimaldi he indicated that they developed it, that it was
20 developed in-house by SSPC?

21 MR. HOOKHAM: I wouldn't say that he said that
22 specifically. He just said that there was a lot of work to go
23 to C language, which they were intending to do -- that it
24 would be a lot of additional work.

1 MR. HOOKHAM: Oh, yes, considerably faster.

2 MR. FULWIDER: And the platform this was being used
3 on?

4 MR. HOOKHAM: At the time we were using IBM-
5 compatible AT's with a 286 processor in them.

6 MR. FULWIDER: You didn't use it on mainframes or
7 anything like that?

8 MR. HOOKHAM: No, no. All used in micros. They
9 were on micro-based project management systems.

10 MR. FULWIDER: Okay.

11 Do you have literature on this company?

12 MR. HOOKHAM: I would have to ask our systems people
13 if they still have it. I know I lent out the user's manual
14 the other day. We have a training manual here, because I was
15 looking something up in it the other day. In fact, if you
16 will bear with me one moment --

17 MR. FULWIDER: Sure. We'll go off the record.

18 [Discussion held off the record.]

19 MR. FULWIDER: We're back on the record again.

20 You had gone in the other room and pulled out the
21 Strategic Software Planning Corporation training program, and
22 in that you had referred to a handout and identified the
23 language that was being used. What was it, again?

24 MR. HOOKHAM: The data base architecture upon which

1 Version 3 here. I don't know, but that is what I understand
2 to be the data base upon which the product is based.

3 MR. FULWIDER: Okay.

4 The time now is 11:30, and this interview is going
5 to be concluded. We're still going to talk about the software
6 training book and also the handbook, but as far as the
7 interview is concerned -- well, I do have a couple more
8 questions, now that I think about it, before I jump off.

9 I'll just run some names by you.

10 In connection with this or any other software
11 package, have you ever heard of a company called Info
12 Technology, Inc.?

13 MR. HOOKHAM: No, I haven't.

14 MR. FULWIDER: It's based in New York. The biggest
15 companies that it owns are United Press International -- UPI
16 -- and Financial News Network.

17 MR. HOOKHAM: I've heard of UPI and Financial News
18 Network, but only as a customer of their products, not in any
19 other context.

20 MR. FULWIDER: Okay.

21 Have you heard of an individual by the name of
22 Doctor Earl Brian?

23 MR. HOOKHAM: No, I'm afraid I haven't.

24 MR. FULWIDER: Okay. Again, we're going to go off

1 [Whereupon, the taking of the sworn statement was
2 concluded.]

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C E R T I F I C A T E

THE UNITED STATES OF AMERICA

IN THE DISTRICT OF COLUMBIA

I, Don Fulwider, do hereby certify that the witness, Richard L. Hookham,
was duly sworn by me on March 7, 1991.

Don Fulwider



CONFIDENTIAL ①

UNITED STATES HOUSE OF REPRESENTATIVES
Washington, D.C.

Friday
March 22, 1991

The sworn statement of MARC VALOIS, taken at Montreal,
Canada, commencing at 11:00 a.m.

APPEARANCES:

ON BEHALF OF THE U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY:

Ned Friece, Investigator
Richard Newbold, Investigator
Committee on the Judiciary
U.S. House of Representatives
Room 2138, Rayburn House Office Building
Washington, D.C. 20515-6216

ALSO PRESENT:

Allen Robilliard, Esquire
John Lovell

BPA: PC9100003BF
Task Order #: 14

Mr. Ned Friece
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1 S W O R N S T A T E M E N T

2 MR. FRIECE: Mr. Valois, my name is Ned Friece, and
3 with me is Richard Newbold. We are investigators working for
4 the House Committee on the Judiciary of the U.S. House of
5 Representatives. The Committee is investigating allegations
6 concerning the U.S. Department of Justice. During 1987, a
7 U.S. bankruptcy judge ruled that the Department of Justice
8 stole a software package called PROMIS, which is an acronym
9 for Prosecutors Management Information System, from a
10 contractor named INSLAW, Incorporated. This decision was
11 later affirmed by a U.S. District Court justice in 1988.

12 In January, 1991, the Canadian Work Place Automation
13 Research Center contacted INSLAW, Incorporated, informing them
14 that INSLAW's PROMIS was in use in federal departments and
15 agencies within the Canadian government. INSLAW determined
16 that it had never sold its product to the government of
17 Canada. You are being interviewed today to provide details
18 concerning your knowledge of this matter. Additionally, you
19 are being asked to explain why INSLAW was contacted concerning
20 its software, PROMIS.

21 Before we ask you any questions, will you agree that
22 all answers you will give be truthful and to the best of your
23 ability?

24 MR. VALOIS: Yes.

25 MR. FRIECE: In attendance also is Mr. Allen

1 Robilliard and Mr. John Lovell.

2 Would you please state and spell your full name for
3 us, please?

4 MR. VALOIS: Marc Valois, M-A-R-C V-A-L-O-I-S.

5 MR. FRIECE: Where are you presently employed and in
6 what capacity?

7 MR. VALOIS: Nowhere. I am still a student
8 finishing my master's degree.

9 MR. FRIECE: Were you employed by the Canadian
10 government?

11 MR. VALOIS: Yes.

12 MR. FRIECE: What were the dates of that employment?

13 MR. VALOIS: Pardon me?

14 MR. FRIECE: When were you employed there?

15 MR. VALOIS: I was first employed the 7th of May,
16 1990. I was on a student program of the Canadian government.
17 I worked on that student program until October or November of
18 1990. Then I worked as a consultant from that date to about
19 the middle of March, 1991.

20 MR. FRIECE: concerning the study that was conducted
21 on the software being used in the Canadian government, what
22 specifically were your responsibilities?

23 MR. VALOIS: I was mandated to gather information on
24 how the software products used in government offices could or

25 could not support the French language. So what I had to do
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1 was collect information by contacting firms that had sold
2 their products to the Canadian government. This was basically
3 the information we were getting, but at the same time we
4 wanted to have some general information on the firm itself.

5 MR. FRIECE: So what documents did you rely upon?

6 MR. VALOIS: There was a survey that was done by the
7 firm Willchild and Young. This document listed products that
8 we were using in the federal government offices. The list was
9 incomplete. Sometimes we had some products without the name
10 of the firm that was responsible for the product. So this was
11 the first information we had to work from. From this, we had
12 to complete the list to know which firms were responsible for
13 which products that were in use in government offices.

14 I had to complete this information with secondary
15 sources, public information, et cetera. This was basically
16 [inaudible].

17 MR. FRIECE: How was INSLAW identified?

18 MR. VALOIS: We had about 300 products to identify,
19 while some of them we already knew which firm was responsible
20 for them. There were maybe -- I really can't say how many we
21 had to check on. But we had a lot of products to check out.
22 INSLAW was one of them. We had the name of the product,
23 PROMIS, and we had what it did. So I was at that time looking
24 for information on CD-rom, and there was another information

25 source that was called the Computer Library.
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1 So basically what I did was interrogating the
2 database with the information I had on the product PROMIS.
3 The information that was given to me is that PROMIS was a
4 product of INSLAW. It was indicated that this product was
5 some kind of information management software.

6 So I just made the link that PROMIS was probably a
7 product that INSLAW was responsible of. This was the first
8 step to gathering information.

9 MR. FRIECE: You said that you were given the name
10 PROMIS and INSLAW. Who gave you the INSLAW name? Where did
11 the INSLAW name come from?

12 MR. VALOIS: It came from my research into the
13 sources of the information software.

14 MR. FRIECE: Did you contact any other companies?
15 Did you identify any other companies that had a software
16 package called PROMIS?

17 MR. VALOIS: No. At that time I came up with INSLAW
18 and PROMIS and immediately I thought that this was it. I
19 didn't go any further in my search because I had a lot of
20 products to check out. It seemed fairly plausible that this
21 was INSLAW's product.

22 MR. FRIECE: There was no information given to you
23 about a company in Massachusetts called the Strategic Software
24 Planning Corporation?

25 MR. VALOIS: No.
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1 MR. FRIECE: When the information was provided to
2 you from the survey, all that was given to you was the
3 software package PROMIS. There was nothing given to you to
4 help you identify where that was purchased. Is that correct?

5 MR. VALOIS: All we had on the list was a code that
6 corresponded to where the software was in transit. But I did
7 not have the information to track those codes.

8 MR. FRIECE: Do you know where the software was in
9 use?

10 MR. VALOIS: No.

11 MR. FRIECE: When you first contacted INSLAW, how
12 was that contact made? Was it by telephone or letter?

13 MR. VALOIS: It was by telephone.

14 MR. FRIECE: Could you tell me the substance of that
15 conversation?

16 MR. VALOIS: It was the same for all the firms I
17 contacted. I presented the project we were working on, that
18 we were gathering information on software products that we
19 were using in government offices. Then I told them that their
20 software product PROMIS was in use in government offices. I
21 didn't say how I got that information, but it was very
22 probably that it was their product. I asked if they wanted to
23 give information on their product on whether it could or could
24 not be translated. In that first contact, nobody told me that

25 PROMIS was not being used in Canadian government offices.
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1 MR. FRIECE: As I understand it, you have been shown
2 a copy of an affidavit that was filed by Patricia Hamilton.

3 MR. VALOIS: Yes, I have seen that.

4 MR. FRIECE: Have you read this affidavit?

5 MR. VALOIS: Yes, I have.

6 MR. FRIECE: I have a couple of questions concerning
7 that affidavit. I would like you to respond to them the best
8 you can.

9 According to the information contained in the
10 affidavit given by Patricia Hamilton, she states that she was
11 told that approximately 900 locations within the federal
12 government were using the software package PROMIS. Is this a
13 true statement.

14 MR. VALOIS: No. It's not 900 locations, but 900
15 copies of the software.

16 MR. FRIECE: Okay.

17 MR. VALOIS: It was in the same list that there was
18 something about [inaudible].

19 MR. FRIECE: Where were the locations that this
20 software was in use? Do you know?

21 MR. VALOIS: No, I told you before that all I had
22 was a code that referred to some offices where the software
23 was used. I did not have access to the information associated
24 with the code. I just knew that it was in two or three

25 locations. That is all.
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1 MR. FRIECE: But you did not know what departments
2 or agencies?

3 MR. VALOIS: No.

4 MR. FRIECE: And you still don't today. Is that
5 correct?

6 MALE VOICE: Mr. Friece, would it be useful for the
7 Committee to have an extract from the database that was being
8 used by Marc regarding all the entries with the word PROMIS?

9 MR. FRIECE: Yes.

10 MALE VOICE: That can be supplied. Would you like
11 that now, or would you like it after --

12 MR. FRIECE: I would like to have it after we
13 conclude here today, if that's possible.

14 MALE VOICE: That is possible.

15 MR. FRIECE: Thank you.

16 Just to be clear, once you identified through the
17 trade magazines as having an information management software
18 package called PROMIS, you went no further in trying to
19 identify any other company that may have also sold a software
20 package called PROMIS. Is that correct?

21 MR. VALOIS: Yes, that is correct.

22 MR. FRIECE: I'm going to ask you now about some
23 names of software packages. Before I do that, I'm going to
24 ask you about the name of another company that may have been
25 involved within the scope of our investigation.

1 Do you recognize the name Infotechnology,
2 Incorporated?

3 MR. VALOIS: No.

4 MR. FRIECE: Now I have questions that I would like
5 to ask you concerning other software packages that you may
6 have seen while you were doing your research. There are three
7 different names, and one has two different versions. Please
8 tell me if you recognize the names of these software packages.

9 MALE VOICE: Mr. Friece, I would like my client to
10 answer yes, no, or I can't remember to each of your questions.
11 I would like you to pursue that line of questioning no further
12 beyond your first question.

13 MR. FRIECE: Okay.

14 Do you recognize the name Datapoint?

15 MR. VALOIS: No.

16 MR. FRIECE: Datamaster I?

17 MR. VALOIS: No.

18 MR. FRIECE: Datamaster II?

19 MR. VALOIS: No.

20 MR. FRIECE: Datamac?

21 MR. VALOIS: No.

22 MR. FRIECE: Were you ever told that the Royal
23 Mounted Canadian Police was the agency using PROMIS software?

24 MR. VALOIS: Told by whom?

25 MR. FRIECE: Were you ever told that?
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1775

1 MR. VALOIS: I heard that that information came from
2 INSLAW.

3 MR. FRIECE: Who told you that it came from INSLAW?

4 MR. VALOIS: Denis LaChance told me that.

5 MR. FRIECE: Denis LaChance told you that INSLAW
6 told them that RMCP was the one using the software?

7 MR. VALOIS: Denis LaChance told me that INSLAW
8 supposed this.

9 MR. FRIECE: Supposed it?

10 MR. VALOIS: That was information that came from a
11 third party.

12 MR. FRIECE: I have a few names to run by you to ask
13 if you've ever heard these names. These are names of
14 individuals. If you recognize any of them, you can tell me
15 how you recognize them. There is one that you may well
16 recognize surely.

17 Do you recognize the name Edwin Meese?

18 MR. VALOIS: No.

19 MR. FRIECE: Dominic Laiti?

20 MR. VALOIS: No.

21 MR. FRIECE: Michael Riconosciuto?

22 MR. VALOIS: No.

23 MR. FRIECE: Ricard Babion?

24 MR. VALOIS: No.

25 MR. FRIECE: D. Lowell Jensen?
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1 MR. VALOIS: No.

2 MR. FRIECE: Madison Brick Brewer?

3 MR. VALOIS: No.

4 MR. FRIECE: Charles Hayes?

5 MR. VALOIS: No.

6 MR. FRIECE: Okay. Marc, I have no further
7 questions for you.

8 Rick, do you have anything?

9 MR. NEWBOLD: What about the name Dr. Earl Brian?

10 MR. VALOIS: No.

11 MR. NEWBOLD: What about the company named Hadron?

12 MR. VALOIS: Could you spell that, please?

13 MR. NEWBOLD: H-A-D-R-O-N.

14 MR. VALOIS: No.

15 MR. NEWBOLD: That's it.

16 MR. FRIECE: Let the record show that the interview
17 has been concluded at 11:10 a.m.

18 I appreciate very much that you have taken your time
19 to talk with us.

20 [Whereupon, at 11:10 a.m., the taking of the sworn
21 statement was concluded.]

22

23

24

C E R T I F I C A T E

THE UNITED STATES OF AMERICA

IN THE DISTRICT OF COLUMBIA

I, Ned Friece, do hereby certify that the witness, Marc Valois, was duly sworn by me on March 22, 1991.

Ned Friece

ORIGINAL

UNITED STATES HOUSE OF REPRESENTATIVES
Washington, D.C.

Thursday
March 7, 1991

The sworn statement of WAYNE GUDBRANSON, taken at
Ottawa, Quebec Province, Canada.

APPEARANCES:

ON BEHALF OF THE U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY:

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BPA # PC9100003BF
Task Order #: None given



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1 SWORN STATEMENT

2 MR. FRIECE: Mr. Gudbranson, my name is Ned Fiece,
3 and with me is Don Fulwider. We are investigators, working
4 with the Committee on the Judiciary, U.S. House of
5 Representatives.

6 The committee is investigating allegations
7 concerning the U.S. Department of Justice. During 1987 a U.S.
8 bankruptcy judge ruled that the Department of Justice stole a
9 software package, called PROMIS, from a contractor named
10 INSLAW, Inc. PROMIS stands for "Prosecutor's Management
11 Information System."

12 This decision was affirmed by the U.S. District
13 Court in 1988. In January of 1991, the Canadian Workplace
14 Automation Research Centre contacted INSLAW, Inc., informing
15 it that INSLAW's PROMIS product was currently in use in the
16 Canadian federal government's departments and agencies.

17 If you would, please, as I understand it, you were
18 involved with a study that was commissioned by the Canadian
19 Workplace Automation Research Centre -- if you could, please,
20 describe what took place at that time.

21 Before I ask you any questions I would like for you
22 to swear to your testimony.

23 [Witness sworn.]

24 MR. FRIECE: Okay. If you could, please, would you

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25 tell us how you began your work with the Canadian Workplace

1 Automation Research Centre?

2 MR. GUDBRANSON: Okay. First of all, I would like
3 to point out that I am now with an organization called the
4 Branham Consulting Group. At the time in which I managed this
5 project I was with a company by the name of Young & Wiltshire.
6 This was approximately two years ago that this study was
7 conducted on behalf of several organizations. One was the
8 Canadian Workplace Automation Research Centre, which is a
9 group within Communications Canada, a department at the
10 federal government level. The study was also commissioned by
11 Supply and Services Canada and various other organizations,
12 such as the Canadian Advanced Technology Association,
13 Transport Canada, and the Canadian Information Processing
14 Society was involved as part of an advisory committee for the
15 study.

16 Now, the objective of the study was to determine
17 current inventories of software packages, system development
18 activities, and hardware within the Canadian federal
19 government. In addition to current inventories, we were to
20 establish buyers' intentions for the next one to five years,
21 whatever data the departments could give us at that time --
22 buyers' intentions being planned, what they were considering
23 buying in the next few years.

24 The first stage of the process was to reconcile the

1 data there was irreconcilable, so we conducted on-site
2 interviews with, in most cases, the Director General of
3 Infomatics within each one of these departments.

4 Now, as you well know, the Canadian federal
5 government has numerous government departments, agencies, and
6 Crown Corporations. We did not interview all of them. We
7 interviewed 32. These 32 organizations represent
8 approximately 70 percent of all expenditures on information
9 technology, goods, and services. That included the
10 organizations like the Department of National Defence which,
11 in Canada, happens to be the largest spender on information
12 technology goods, right down to organizations such as the Farm
13 Credit Corporation.

14 We interviewed, again, the VP of IS, the Director
15 General of IS in each one of these organizations and asked
16 them to assist us in completing a survey questionnaire, to the
17 extent that it was possible. In some cases it required two to
18 three interviews because we were asking for a lot of data.

19 Now, establishing inventories and buyers' intentions
20 was only one small aspect of the overall study. We were
21 actually asking them to give some appreciation for trends.

22 Just to put things in perspective, you're looking at
23 one product called PROMIS. It is only one of about 225 PC
24 products that we looked at at the desktop range, all right?

25 The installed base numbers that we have for that particular

1 product are relatively insignificant to the total base of
2 software packages out there. So I'm certainly not an
3 authority on that particular product.

4 Because of the limited funding for this project, we
5 relied on people to tell us what they believed they had in-
6 house. We had no mechanism to check that, all right? If they
7 told us they had WordPerfect installed, 500 copies of
8 WordPerfect, we put it in the current inventory section and
9 said that they had 500 copies. Essentially, we put in
10 whatever they said they had. In most cases, it was correct.

11 Now, in the case of PROMIS, I got a call several
12 weeks ago from Benny LaChance [phonetically] at Z-Work asking
13 me to reference two codes, Code 8 and Code 23, referring to
14 two organizations. Now, those two organizations in question,
15 as I told Benny, our database tells us are CIDA, or the Canada
16 International Development Agency, and Public Works Canada.
17 CIDA is involved in managing worldwide development projects.
18 Public Works Canada is involved in managing the federal
19 government's holding of 3,000 real estate investments, spread
20 across the country. Both those organizations told us that
21 they had a product called PROMIS in-house. We generally asked
22 them for what purpose that product was being used, and in both
23 these cases they said "project management."

24 We didn't pursue it any farther than that. They had
25 PROMIS installed, X number of copies, for project management

1 purposes, thank you very much, and we left. That's it. The
2 budget didn't allow us to do extensive validation of the data
3 they gave us. So that's pretty well what we did for the
4 study.

5 MR. FRIECE: Okay.

6 By any chance did you contact the Royal Canadian
7 Mounted Police.

8 MR. GUDBRANSON: No -- oh, for this study?

9 MR. FRIECE: Yes.

10 MR. GUDBRANSON: Yes, we did.

11 MR. FRIECE: And there was no indication from them
12 that they were using PROMIS?

13 MR. GUDBRANSON: No. Our data does not show that.

14 MR. FRIECE: Okay.

15 MR. FULWIDER: When you say the two codes, 8 and 23,
16 which one was CIDA and which one was Public Works Canada?

17 MR. GUDBRANSON: I knew you were going to ask me
18 that. Code 8 was CIDA, and Code 23 was Public Works.

19 MR. FULWIDER: In our telephone conversations I
20 think there was a figure of approximately 900 users and/or
21 software packages identified for PROMIS in CIDA.

22 MR. GUDBRANSON: Yes. We have the 900 copies in the
23 current inventories for 1987-1988. We did the study in that
24 time frame, in 1987-1988 -- actually, we did it in 1988-1989,

25 and they indicated that they had 900 copies in their inventory

1 for 1987-1988.

2 Now, you have to appreciate that we conducted well
3 over 150 interviews, so I can't remember verbatim each one of
4 those interviews. We had various staff people working on the
5 project. But in this case I do recall that the chap indicated
6 that they -- they asked us to put it in the current inventory
7 column because they had made a decision to buy the software,
8 that it was pretty well a "done deal." Since Benny LaChance's
9 call to me three or four weeks ago I phoned people back at
10 CIDA, and they told me that yes, they had made a decision
11 several years ago to buy 900 copies of PROMIS, but they didn't
12 carry through with it, that they may have ordered two in the
13 department but in fact they didn't carry through with their
14 decision to buy it.

15 So it shows a weakness in our data.

16 MR. FRIECE: What about Public Works? Did you
17 contact them to see --

18 MR. GUDBRANSON: No, I didn't. The person that you
19 should contact -- or that we were dealing with in Public Works
20 -- was Don Sneddon. Mr. Sneddon is now with Unitel
21 Communications, I believe.

22 MR. FRIECE: Who were you working with at CIDA?

23 MR. GUDBRANSON: A chap by the name of Mr. Subarami.

24 I may be mispronouncing that. I don't think that I could

1 MR. FRIECE: Okay.

2 MR. GUDBRANSON: He was the former Director General
3 of Infomatics.

4 MR. FRIECE: Director General?

5 MR. GUDBRANSON: Yes.

6 MR. FULWIDER: And it was his idea that they were
7 planning on using or having 900 copies?

8 MR. GUDBRANSON: Yes. Also at the time there was a
9 Mr. Woodbridge [phonetically], another chap that worked for
10 Mr. Subarami. I have no idea whether Mr. Woodbridge is still
11 there.

12 MR. FULWIDER: Okay.

13 You had mentioned that as a result of Mr. LaChance's
14 request, you talked to someone recently at CIDA. Do you
15 recall his name? When I talked to you on the phone you
16 couldn't remember who it was that you had talked to.

17 MR. GUDBRANSON: No, I have forgotten, but if you
18 had a government telephone book, I could tell you.

19 MR. FULWIDER: We don't.

20 MR. GUDBRANSON: I can give that to you.

21 MR. FULWIDER: Okay. When you get time, give us a
22 call on that.

23 MR. FRIECE: Do you have the printout of what --

24 MR. GUDBRANSON: I didn't bring it along with me,

1 MR. FRIECE: Okay. Can you describe it now so that
2 we can get a feel for what it is?

3 MR. GUDBRANSON: Yes.

4 MR. FRIECE: Does it show a listing of 900, or is it
5 just a one-line code with 900 as the inventory?

6 MR. GUDBRANSON: No. Our copy of the -- when we
7 went to the interview stage, the Crown Corporations were far
8 more sensitive about divulging the corporate name, because
9 some of this data would be made public and they were concerned
10 about suppliers hitting on them if they indicated they were
11 planning on buying X number of copies of whatever in a given
12 year. So we elected -- many of them indicated they would
13 participate in the study as long as we did not divulge the
14 name of the organization specifically or associate their name
15 with specific data. So we know which organizations they are,
16 at least it's on our data, but for public purposes that's not
17 available generally.

18 MR. FRIECE: I guess what I was trying to picture --
19 I was hoping that an excerpt of the program, the database that
20 you have --

21 MR. GUDBRANSON: I can provide that to you.

22 MR. FRIECE: We are going to be doing some other
23 interviews, and it sometimes helps to be able to describe what
24 it is that we're basing this on.

1 [phonetically], running on a Macintosh. It has a series of
2 columns. The first column is whether it's a desktop, mid-
3 range, or mainframe piece of software, because we looked at
4 the three platforms. The second column is whether it's a
5 Crown Corporation or a department.

6 MR. FULWIDER: That is the code that you referred
7 to, the 8 or the 23?

8 MR. GUDBRANSON: No. We just numbered them for the
9 sake of our client. That's all we did for organizations.

10 And then the third column on the spreadsheet, if you
11 can picture a spreadsheet, is the actual short form for the
12 organization. In the case of CIDA it would be CIDA. In the
13 case of PWC it was PWC.

14 Then it would have a column as to whether it is
15 1987-1988 inventory or 1988-1989 planned, 1989-1990 planned,
16 1990-1991 planned, okay?

17 In the next column it has the number of units.

18 So it would have the company name, the name of the
19 software, and then the number of units.

20 Now, our data does not show a company name -- you
21 might be interested in this -- a company name for PROMIS. We
22 do not have a company name in there for the product PROMIS.

23 MR. FULWIDER: Okay. So your records don't indicate
24 -- you did not know who the supplier was?

1 heard of this firm called INSLAW.

2 MR. FRIECE: Okay.

3 MR. FULWIDER: Do you know of other companies that
4 provide software called PROMIS? You had mentioned this one
5 company, Crown Assistance Corporation, Ltd., out of Toronto.
6 Is there any other company that you know of?

7 MR. GUDBRANSON: I've heard that there are two
8 others, but I can't place them.

9 MR. FRIECE: Are they located here in Canada?

10 MR. GUDBRANSON: No, I think I saw them listed in
11 Data Sources, but again, I don't know.

12 MR. FULWIDER: I think I mentioned another company
13 to you by name, Strategic Systems Planning Corporation? Does
14 that ring a bell, in Boston or in Cambridge, Massachusetts?

15 MR. GUDBRANSON: No.

16 MR. FRIECE: Benny LaChance called you two weeks
17 ago, is that correct?

18 MR. GUDBRANSON: Probably a little bit more than
19 that.

20 MR. FRIECE: Okay. And it was at that point he
21 asked you to identify the two agencies exactly that had
22 PROMIS?

23 MR. GUDBRANSON: Yes.

24 MR. FRIECE: Have you talked with him since?

NW: 154572 DocId: 70002061 Page 73 GUDBRANSON: Oh, yes. In fact, he informed me

1 that you chaps would be contacting me and he encouraged me to
2 meet with you.

3 MR. FULWIDER: I don't really have anything else
4 that we need to cover. I think what would be helpful, though,
5 is a copy of the listing and -- what, there was another thing
6 that we asked for -- I guess that was basically it.

7 MR. GUDBRANSON: I can fax that to you.

8 MR. FRIECE: Could you fax it to us here at the
9 hotel?

10 MR. GUDBRANSON: Sure.

11 MR. FRIECE: All right. We'll stop downstairs and
12 get it.

13 One more thing before we close out. Could you
14 please state and spell your name for us?

15 MR. GUDBRANSON: Wayne Gudbranson, and that is
16 G-U-D-B-R-A-N-S-O-N.

17 MR. FULWIDER: I have just a couple more quick
18 questions.

19 Have you ever heard, in connection with these
20 software packages, of a company called Info Technology,
21 Incorporated?

22 MR. GUDBRANSON: Info Tech?

23 MR. FULWIDER: It's base is out of New York. Just
24 to try to stimulate your recollection, it also has as part of

1 International.

2 MR. GUDBRANSON: Well, there are so many companies
3 out there that I am aware of that are a combination of
4 information technology and so on, so I can't be sure if that's
5 the name.

6 MR. FULWIDER: The former CEO for that particular
7 company was a Doctor Earl Brian. Ever heard of him?

8 MR. GUDBRANSON: No.

9 MR. FULWIDER: Again, thank you for your time. When
10 we get that information, that will be helpful, too.

11 [Whereupon, the taking of the sworn statement was
12 concluded.]

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C E R T I F I C A T E

THE UNITED STATES OF AMERICA

IN THE DISTRICT OF COLUMBIA

I, Ned Friece, do hereby certify that the witness, Wayne Gudbranson, was
duly sworn by me on March 7, 1991.

Ned Friece



UNITED STATES HOUSE OF REPRESENTATIVES
Washington, D.C.

Thursday
March 7, 1991

The sworn statement of ED BERCOVITZ, taken at Ottawa,
Quebec Province, Canada.

APPEARANCES:

ON BEHALF OF THE U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY:

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1 S W O R N S T A T E M E N T

2 MR. FULWIDER: For the record, let it show that this
3 interview is being conducted at the Canadian International
4 Development Agency, CIDA, 200 Promenade du Portage, Hull,
5 Quebec, Canada. Today's date is March 7th, 1991. The time is
6 approximately 10:25 a.m.

7 Present are Ed Bercovitz, witness; Donald Fulwider,
8 investigator; and Ned Friece, investigator.

9 Mr. Bercovitz, my name is Don Fulwider. With me is
10 Ned Friece. We are investigators working for the Committee on
11 the Judiciary, United States House of Representatives. The
12 committee is investigating allegations concerning the United
13 States Department of Justice. During 1987, a U.S. bankruptcy
14 judge ruled that the Department of Justice stole a software
15 package called PROMIS from a contractor named INSLAW, Inc.
16 PROMIS stands for Prosecutor's Management Information System.
17 This decision was affirmed by a U.S. District Court in 1988.

18 In January, 1991, the Canadian Workplace Automation
19 Research Centre contacted INSLAW, Inc., informing it that
20 INSLAW's PROMIS product was currently in use in the Canadian
21 federal government's departments and agencies. After INSLAW
22 contacted the CWARC, they were informed that approximately 900
23 copies of this PROMIS software were in use. One Canadian
24 agency identified was the Canadian International Development
25 Agency.

1 You are being contacted today to determine your
2 knowledge of and involvement in the acquisition of the PROMIS
3 software by CIDA.

4 Before asking you any questions, would you please
5 raise your right hand?

6 [Witness sworn.]

7 MR. FULWIDER: Thank you.

8 This interview is being conducted on a tape recorder
9 with your knowledge and approval. Is that correct?

10 MR. BERCOVITZ: That is correct.

11 MR. FULWIDER: Would you please state your full name
12 and spell it for the record?

13 MR. BERCOVITZ: My name is Edward Bercovitz. The
14 last name is spelled B-E-R-C-O-V-I-T-Z.

15 MR. FULWIDER: And where are you currently employed?

16 MR. BERCOVITZ: At the Canadian International
17 Development Agency.

18 MR. FULWIDER: And what is the Canadian
19 International Development Agency?

20 MR. BERCOVITZ: It's part of the Canadian
21 government. It's the official agency for administering
22 government assistance to third world countries, as well as
23 support for Canadian nongovernmental organizations.

24 MR. FULWIDER: And how long have you been so

1 MR. BERCOVITZ: Since 1972.

2 MR. FULWIDER: What is your title?

3 MR. BERCOVITZ: Chief of Advanced Systems.

4 MR. FULWIDER: And what do you do in that capacity?

5 MR. BERCOVITZ: I am responsible for evaluating new
6 hardware and software technology for incorporation into and
7 use in the agency.

8 MR. FULWIDER: Okay. And were you involved in
9 acquiring a software package called PROMIS?

10 MR. BERCOVITZ: In 1986, I was asked to evaluate a
11 number of project management software packages for the agency,
12 towards recommending a particular standard for use in the
13 agency. Among those packages was a product called PROMIS.

14 At the end of our evaluation, PROMIS was deemed to
15 be the most suitable package for our use at that time. Our
16 recommendation was made to our agency Standards Committee to
17 incorporate PROMIS as our agency standard for project
18 management software. Subsequent to that a number of copies
19 were bought by various divisions in the agency.

20 At the present time, to my knowledge, none of those
21 copies are currently being used.

22 MR. FULWIDER: At whose request did you evaluate the
23 PROMIS software?

24 MR. BERCOVITZ: The inclusion of PROMIS on the list
25 was at the request of the Deputy Director of Systems for

1 Africa. His name is Richard Hookham, H-O-O-K-H-A-M.

2 MR. FULWIDER: And had he had prior knowledge of the
3 PROMIS software before he asked you to evaluate it?

4 MR. BERCOVITZ: Yes. He had some expertise in
5 project management software and was familiar with PROMIS.

6 MR. FULWIDER: And what did you do to conduct this
7 evaluation? How did you do it?

8 MR. BERCOVITZ: Basically, we took a prototype
9 project and entered the data for that project into the
10 software and then looked at the functionality and how well it
11 performed.

12 MR. FULWIDER: Okay. When you mentioned Mr. Hookham
13 had project management expertise and was familiar with the
14 PROMIS software, was he also familiar with the contractor who
15 was providing the software?

16 MR. BERCOVITZ: I believe he was.

17 MR. FULWIDER: And what company was that?

18 MR. BERCOVITZ: The name of the company is Strategic
19 Software Planning Corporation.

20 MR. FULWIDER: Okay. And you had the software? You
21 didn't go out and get the software? It was already there when
22 you were evaluating it? When you talk about the prototype
23 that you were running --

24 MR. BERCOVITZ: I believe we actually did purchase a

1 purposes of the evaluation.

2 MR. FULWIDER: That would have been in 1986?

3 MR. BERCOVITZ: Approximately.

4 MR. FULWIDER: Okay. And how long a time period did
5 it take to do your evaluation?

6 MR. BERCOVITZ: About two or three months.

7 MR. FULWIDER: That was running the prototype and
8 running the software to see if it met your standards?

9 MR. BERCOVITZ: Right. There were a number of
10 different packages being evaluated, so we had to enter the
11 data into all the applications.

12 MR. FULWIDER: How many packages were you evaluating
13 at that time?

14 MR. BERCOVITZ: Four or five.

15 MR. FULWIDER: And on how many did you make a
16 recommendation for acquisition?

17 MR. BERCOVITZ: Just one as a standard, which was
18 PROMIS.

19 MR. FULWIDER: PROMIS was it?

20 MR. BERCOVITZ: Yes.

21 MR. FULWIDER: You're holding a -- could you
22 describe what you're holding, tell me for the record what it
23 is?

24 MR. BERCOVITZ: Well, it's a box which is used for
25 the distribution of software diskettes. It is specifically

1 the box used for the distribution of PROMIS software. It says
2 on the package, "Opening this package indicates acceptance
3 that the use of the enclosed software is covered by terms and
4 conditions set forth on this box." Below that is a licensing
5 agreement, a fairly standard procedure in this industry that
6 you accept the licensing agreement by opening the box.

7 MR. FULWIDER: In looking at the box and the
8 contents of the box, which are floppy disks, that makes up the
9 software for PROMIS, correct?

10 MR. BERCOVITZ: Yes.

11 MR. FULWIDER: And it consists of --

12 MR. BERCOVITZ: I'm not sure if all the disks are
13 there.

14 MR. FULWIDER: The highest number on a disk is 9?

15 MR. BERCOVITZ: Right.

16 MR. FULWIDER: And they are all run on IBM PC's,
17 XT's, AT's, and compatibles? Is that correct?

18 MR. BERCOVITZ: That's correct.

19 MR. FULWIDER: What does this software provide?

20 MR. BERCOVITZ: Well, PROMIS is in a category of
21 project management software. It allows you to basically
22 design a model of a project, designating activities, duration
23 of activities, relationships between activities, and resources
24 being allocated, cost resources, and so on. After having

25 built this model you can then track the actual progress of the
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1 project against an original baseline plan.

2 MR. FULWIDER: As indicated on these diskettes,
3 "PROMIS" is Project Management Integrated Systems? That's
4 what it stands for, correct?

5 MR. BERCOVITZ: That's the derivation of the name
6 PROMIS in the application that we are using.

7 MR. FULWIDER: Okay. And it says "By Strategic
8 Software Planning Corporation." And the other interesting
9 thing that is on here, it says "1986, Strategic Software
10 Planning Corporation" as the copyright year on all these
11 diskettes?

12 MR. BERCOVITZ: That's right.

13 MR. FULWIDER: I had another indication in this box,
14 which is the Microsoft mouse -- that is not part of this
15 package, is that correct?

16 MR. BERCOVITZ: That's correct.

17 MR. FULWIDER: Do you know how this PROMIS operates,
18 how it functions? Without getting too technical, how it
19 actually performs its functions?

20 MR. BERCOVITZ: Do you mean the interface?

21 MR. FULWIDER: Yes.

22 MR. BERCOVITZ: Okay. The interface, navigating
23 through the various menus in the program, is done primarily by
24 using the function keys on an IBM keyboard. Each screen in

25 the system has a particular number. To get to a particular
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1 screen, say screen number 456, you would press function key 4,
2 then function key 5, then function key 6. Then on particular
3 screens you can enter relevant data about a particular aspect
4 of the project.

5 MR. FULWIDER: Is there a maintenance agreement with
6 this particular software package?

7 MR. BERCOVITZ: No. Maintenance or support for the
8 product, if memory serves me correctly, was provided on the
9 basis of one year's support after the purchase of the product.

10 MR. FULWIDER: Do you know how much was paid for
11 this?

12 MR. BERCOVITZ: Well, I'm going on memory here, so I
13 can only give an approximate figure. In addition, their
14 purchase agreements were done on a sliding scale, so the more
15 copies you bought, the subsequent copies became cheaper in
16 price.

17 I believe the original copy was approximately \$3,000
18 U.S., but subsequent copies were purchased, and I think the
19 final costs were down to perhaps \$2,000 U.S.

20 MR. FULWIDER: Do you happen to know how many copies
21 were actually acquired?

22 MR. BERCOVITZ: Perhaps six or seven.

23 MR. FULWIDER: And they would all be here?

24 MR. BERCOVITZ: Somewhere in the agency, still in

1 MR. FULWIDER: This one disk that is different from
2 the other ones says "Software protected key diskette." What
3 is that diskette for, do you know?

4 MR. BERCOVITZ: Okay. The original version of
5 PROMIS that we purchased had a form of copy protection
6 commonly known in the computer industry as a "dumbbolt" or a
7 hardware key. It is a little device that is plugged into the
8 parallel port of a personal computer. Without this device
9 being plugged into the parallel port, the software will not
10 operate.

11 MR. FULWIDER: That's what you were showing me on
12 your desk?

13 MR. BERCOVITZ: That's right. In a subsequent
14 release of PROMIS that we acquired -- an upgrade, in essence
15 -- they went to a different form of copy protection known as a
16 "key disk." Instead of requiring the use of the hardware key,
17 you could start the program merely by inserting this key disk
18 into the floppy drive. In a subsequent release after that
19 they went back to a hardware key copy protection system.

20 MR. FULWIDER: Okay. My understanding is what you
21 do is that these nine disks, assuming that nine were the
22 total, you put those in your hard drive?

23 MR. BERCOVITZ: You install those in your hard
24 drive. It would only operate off of a hard drive.

25 MR. FULWIDER: Okay. And it's all geared towards
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1 PC's?

2 MR. BERCOVITZ: That's right.

3 MR. FULWIDER: It doesn't have to interface with a
4 mainframe?

5 MR. BERCOVITZ: No. I believe that now they do
6 operate a network version, but at the time the version we were
7 using was strictly a stand-alone version.

8 MR. FULWIDER: Okay.

9 You had indicated, I believe, before we got on the
10 record, that this software package had been around some time
11 prior to 1986. Do you happen to recall how old this software
12 package was before you evaluated it?

13 MR. BERCOVITZ: Okay. That was the impression that
14 I had, that it had been around before 1986. I believe the
15 first version that we had used was version 2.0, so I would
16 suspect that the product had been around at least for a couple
17 of years before 1986.

18 MR. FULWIDER: What version are you using now, can
19 you tell?

20 MR. BERCOVITZ: Well, we're not using any version
21 now. I think the latest version we got was version 3.0.

22 MR. FULWIDER: Is that what these are that we're
23 looking at? Or can you tell?

24 MR. BERCOVITZ: I can't tell without installing the

1 MR. FULWIDER: Okay. But you did get at least one
2 updated version, if not two?

3 MR. BERCOVITZ: Yes.

4 MR. FULWIDER: Because you went from that hard disk
5 key to the floppy and then back, so you would have gotten at
6 least two updated versions?

7 MR. BERCOVITZ: Yes.

8 MR. FULWIDER: Okay.

9 I'm just going to refer to the yellow sticker that
10 is on there. That was on that one disk that has to do with
11 the software protected key diskette, and ask you if that has
12 any bearing on the software itself.

13 MR. BERCOVITZ: No. I think these were some disks
14 that were turned back to me as being an old version.

15 MR. FULWIDER: So the version we're looking at now
16 may be one of the earlier versions?

17 MR. BERCOVITZ: That's right.

18 MR. FULWIDER: Would there have been a manual or
19 anything that would have come with this?

20 MR. BERCOVITZ: Yes. There was a fairly extensive
21 manual. I would have to try to acquire that from a user, but
22 I could try to find that and provide that to you.

23 MR. FULWIDER: If you could, that would be helpful.

24 I think we talked about the fact that there was an

25 assertion that there were 900 copies of PROMIS within this
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1 agency. Have you looked into that issue?

2 MR. BERCOVITZ: Well, I can tell you definitely,
3 there were never 900 copies in this agency. As I said
4 earlier, the most would have been about approximately six.
5 Nine hundred copies at the price we were talking about would
6 be a considerable portion of our budget. It never did achieve
7 widespread use. In fact, I would probably say -- and it's
8 certainly my impression, from talking to Strategic Software
9 Planning Company that issued PROMIS -- that there probably
10 weren't even 900 copies in all of Canada, that we were one of
11 the few companies in Canada using PROMIS, and that they were
12 looking to expand their marketing in Canada. But since I
13 haven't been in touch with the company in a number of years, I
14 can't say whether that has taken place or not.

15 MR. FULWIDER: Okay. Could there have been 900
16 copies used in this agency?

17 MR. BERCOVITZ: No.

18 MR. FULWIDER: How big an agency is this?

19 MR. BERCOVITZ: It's 1,400 people.

20 MR. FULWIDER: Is it all located here in Quebec, or
21 is it throughout Canada?

22 MR. BERCOVITZ: It's all in this one building. I
23 can assure you that there were never 900 copies in this
24 agency.

25 MR. FULWIDER: Now, in the kind of services that you
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1 provide, could the copies have been used to send out to
2 foreign countries in the furtherance of the aid packages?

3 MR. BERCOVITZ: No. We haven't provided any
4 software as part of the delivery of our aid program. So I
5 think I could assure you that the total number of copies
6 purchased by CIDA, whether for internal or for external use,
7 would be a single digit number.

8 MR. FULWIDER: As I indicated before we went on the
9 record, we are trying to feel our way through the various
10 different people who have provided information throughout
11 this. We don't know if what I'm about to tell you is 100
12 percent correct; we haven't been able to verify it, and that's
13 one of the reasons why we're here.

14 One of the things -- I had mentioned the Centre that
15 had done the study, the Canadian Workplace Automation Research
16 Centre. In 1989 they had hired a consultant to contact
17 approximately 32 Canadian federal agencies to determine what
18 kind of software and hardware they had in use, in order to
19 have a central location, to know what the Canadian government
20 had. An inventory, so to speak. And in the response they got
21 back from the consultant they had coded the various agencies
22 to protect the identity of the agencies. In that code there
23 was one agency that showed up as having 900 locations at which
24 this PROMIS software showed up, and subsequent to that it

25 indicated that it was CIDA, which you're indicating is not
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1 correct, which is consistent with the next conversation we had
2 with the consultant, who indicated that he had talked to the
3 deputy -- I'm not sure of the full title -- the deputy general
4 for this agency -- is that a title that would be used?

5 MR. BERCOVITZ: Would this be Mr. Morris?

6 MR. FULWIDER: No, it was -- he isn't here any more.
7 We didn't have the right pronunciation or spelling of the
8 name, but it was some former --

9 MR. BERCOVITZ: Shubert?

10 MR. FULWIDER: He indicated that it was in the
11 planning stage, that they had planned to acquire multiple
12 copies if this and that they just never did follow through
13 with it. After he left, there was never any follow-through on
14 it.

15 MR. BERCOVITZ: Oh, Subarami?

16 MR. FULWIDER: Yes, that's it.

17 MR. BERCOVITZ: Well, I know there was the
18 consideration of buying more copies, but it was never
19 envisaged as being a large volume product, partially because
20 of the nature of the product in the sense that it is project
21 management software, and I don't think we have 900 people
22 involved in project management in the agency out of our total
23 of 1,400, staff complement. But also, the nature of the
24 product and the licensing agreement are such that you can
25 install it on as many machines as you like, but given the fact

1 that it uses a hardware key, you need the key to run the
2 software. In practical terms what that means is that you can
3 probably buy one copy for 10 or 20 users; in essence, the key
4 controls the simultaneous use of the product. Given that this
5 would probably be our single most expensive software package
6 that we would use in the agency, we would not buy it on a one-
7 to-one ratio. We would buy it perhaps ten-to-one. I think
8 the maximum potential that could ever be purchased in the
9 agency would maybe be 50 or 60 copies. But as I indicated
10 earlier, it never did get that high.

11 MR. FULWIDER: Okay. And to your knowledge it's not
12 in use now, anywhere in the agency? It's been shelved?

13 MR. BERCOVITZ: To my knowledge it is not in use
14 now. And we are, in fact, looking at other alternative
15 software packages.

16 MR. FULWIDER: What are you using now for case
17 management?

18 MR. BERCOVITZ: Nothing.

19 MR. FULWIDER: Nothing?

20 MR. BERCOVITZ: Nothing officially. I mean, there
21 are Timeline and Harvard Project Planner and so on, but there
22 is no single project management package that is approved and
23 in widespread use.

24 MR. FULWIDER: Okay.

1 Software Planning, was trying to get more clients within
2 Canada. Do you know of any clients that they had?

3 MR. BERCOVITZ: The only one that I'm aware of that
4 I think did buy PROMIS, from memory, was a company that we
5 were doing business with, and because we were looking to use
6 PROMIS at the time, they also purchased a copy. That is
7 Canadian Pacific Consulting Services, located in Montreal.

8 MR. FULWIDER: Is that a part of the Canadian
9 government?

10 MR. BERCOVITZ: No. Canadian Pacific is a large
11 multinational company, airlines, trucking, shipping. This is
12 their consulting division. That was in regards to, I believe,
13 a project in Egypt that they were contracted to administer on
14 our behalf.

15 MR. FULWIDER: And they went to Strategic Software
16 Planning Corporation?

17 MR. BERCOVITZ: That's right. The project itself
18 was Egyptian Railways, a project which we were funding, but
19 which they were implementing on our behalf. That was for
20 technical assistance for Egyptian Railways.

21 MR. FULWIDER: So CIDA funded it, and Canadian
22 Pacific Consulting Services managed it and used the Strategic
23 Software Planning Corporation's PROMIS software to assist them
24 in that management?

25 MR. BERCOVITZ: That's right.

1 MR. FULWIDER: Anybody else that you know of?

2 MR. BERCOVITZ: Not that I remember.

3 MR. FULWIDER: Okay.

4 The company, INSLAW, Inc., had you ever heard of
5 that company before?

6 MR. BERCOVITZ: I have never heard that name before.

7 MR. FULWIDER: Okay. It's spelled I-N-S-L-A-W.

8 Have you ever heard of a company called Info
9 Technology, Inc.?

10 MR. BERCOVITZ: Not that I would remember. Given
11 that I see the names of lots of companies that have
12 "information" and "technology" in their names -- I may have
13 seen the name somewhere, but I can't say that I'm aware of
14 them or any of their products.

15 MR. FULWIDER: It's a company that is based out of
16 New York. It owns UPI, United Press International, and FNN,
17 Financial News Network, and a couple other smaller companies.

18 MR. BERCOVITZ: No. I've never dealt with the
19 company.

20 MR. FULWIDER: And as far as any software packages
21 that you were interested in, specifically this PROMIS, that
22 name never came up?

23 MR. BERCOVITZ: No. The only name in relation to
24 PROMIS in terms of a U.S.-based company was Strategic Software

1 MR. FULWIDER: Okay.

2 Did you deal with the principals of SSPC?

3 MR. BERCOVITZ: We dealt with, I think, primarily
4 their marketing people. There were a number of different
5 people. Old staff left and new staff came in.

6 I was just looking in my phone book the other day
7 and I noticed I still have some names of people from Strategic
8 Software Planning in there.

9 The two names that I had in my phone book were
10 Marvin Black and Mark Romano.

11 MR. FULWIDER: Romano is spelled R-O-M-A-N-O?

12 MR. BERCOVITZ: Yes.

13 MR. FULWIDER: Did you ever have any contact with --
14 the president of the company, as I understand it, is a Massimo
15 Grimaldi. Does that name ring a bell?

16 MR. BERCOVITZ: That name doesn't ring a bell at
17 all.

18 MR. FULWIDER: Okay. From what I understand, Marvin
19 Black is vice president of the company.

20 Another individual, did you ever know of a Dr. Earl
21 Brian?

22 MR. BERCOVITZ: That name doesn't ring a bell
23 either.

24 MR. FULWIDER: Okay. I have nothing else.

25 Do you, Mr. Friece?

1 MR. FRIECE: No, I think we've covered it all.

2 MR. FULWIDER: Is there anything else that you think
3 can add to how we can get more information about CIDA's
4 acquisition of PROMIS software?

5 MR. BERCOVITZ: Well, the only one I would suggest,
6 as I indicated earlier, is Mr. Hookham, who I think was more
7 closely related to the company and familiar with some of their
8 staff and the program.

9 MR. FULWIDER: Is he still here?

10 MR. BERCOVITZ: He's still employed in CIDA.

11 MR. FULWIDER: Okay.

12 I guess what we need copies of are this licensing
13 agreement that's on the box, and I think you had indicated
14 there was an article in PC Magazine -- I realize that you're
15 leaving, and I'm not at all requesting that you look for it
16 now, but we'll leave you an address. If you could find it and
17 send us a copy of it, or at least identify the issue that had
18 it, that would be most helpful.

19 MR. BERCOVITZ: Yes.

20 MR. FULWIDER: And if the manual is not too
21 voluminous, if we could get a copy of that.

22 MR. BERCOVITZ: Certainly.

23 MR. FULWIDER: If not, just the front page and the
24 index would be helpful.

25 MR. BERCOVITZ: Certainly.

1 MR. FULWIDER: I have nothing else. Again, I
2 certainly appreciate your time. I know that you were leaving
3 today, and I want to state that we really appreciate it. It
4 will help us complete our investigation.

5 The time now is approximately 10:55. The interview
6 is concluded.

7 [Whereupon, at 10:55 a.m, the taking of the sworn
8 statement was concluded.]

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C E R T I F I C A T E

THE UNITED STATES OF AMERICA

IN THE DISTRICT OF COLUMBIA

I, Don Fulwider, do hereby certify that the witness, Ed Bercovitz, was duly sworn by me on March 7, 1991.

Don Fulwider

